

**Board of Trustees Monthly Meeting  
January 14, 2014**

The Village of Cold Spring Board of Trustees held their regular monthly meeting on Tuesday, January 14, 2014 at Village Hall, 85 Main Street, Cold Spring, NY 10516 beginning at 7:30 pm.

Attending: Mayor J. Ralph Falloon and Trustees Matt Francisco, Bruce Campbell, Charles Hustis and Stephanie Hawkins

Also: Michael Liguori, Village Attorney; Ellen Mageean, Village Accountant; Gregory Phillips, Water Superintendent; William Bujarski, Building Inspector

Mayor Falloon called the meeting to order followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Trustee Hawkins moved to approve minutes of the 12/10/2013 and 12/18/2013 meetings; seconded by Trustee Hustis and unanimously approved.

**FINANCIAL REPORT**

CHIPs payment was received in the amount of \$18,714. Another \$1,200 has been spent but has not yet been submitted for reimbursement. The village budgeted \$33,000 in CHIPs revenue, which leaves a balance of \$13,086.

Putnam County passed a resolution authorizing payment to the Village to help offset the increased costs for removal of trash generated by visitors and tourists. This payment will be \$7,500 which agrees to the amount budgeted.

As of 1/11/14, approximately \$8,000 has been spent for snow removal personal services. This line is budgeted for \$12,000. If necessary, the board can move funds from other highway personal service lines to handle snow removal wages.

Delinquent tax letters have gone out to the taxpayers. The village will continue to collect taxes until 1/31/2014. In the beginning of February, a list with the remaining delinquent taxes will be given to the board. After board approval, this list will be forwarded to Putnam County for collection and reimbursement to the village.

Budget requests will be sent out the first week in February to all department heads and Village Boards for the 2014/2015 budget year. These requests will need to be sent back to the mayor and accountant by February 24, 2014.

**RESOLUTION #2014-01**

Moved by: Trustee Stephanie Hawkins

Seconded by: Trustee Charles Hustis, III

*Resolved that (1)* The Board of Trustees of The Village of Cold Spring hereby approves the following Budget Adjustment(s) for the 2013/2014 fiscal year:

(1)	To:	A00-2610-000	Police: Services & Material	\$300.00
	From:	A00-1110-400	Justice: Contractual	\$50.00
	From:	A001110-420	Justice: Continuing Education	\$200.00
	From:	A00-1110-460	Justice: Software Fees	\$50.00
			<b>To transfer money from the justice court budget to cover expenses related to the purchase of parking tickets.</b>	
(2)	To:	A00-1110-430	Justice: Dockets & Journals	\$50.00
	From:	A00-1110-460	Justice: Software Fees	\$50.00
			<b>To reallocate the justice court budget to cover the cost for the purchase of law books.</b>	
(3)	To:	A00-7510-400	Historic Board: Contractual	\$200.00
	From:	A00-1340-400	Budget & Other Notices	\$200.00
			<b>To increase the historic board budget for the printing of the historic district survey.</b>	
(4)	To:	A00-8010-100	Zoning Board: Personal Services	\$250.00
	From:	A00-8020-100	Planning Board: Personal Services	\$250.00
			<b>To reallocate the Board secretary's salary between boards</b>	
(5)	To:	A00-8170-100	Street clean: Personal Services	\$2,000.00
	From:	A00-5110-100	Highway Street Maintenance: Personal Services	\$2,000.00
			<b>To reallocated the Highway salaries to the appropriate line item.</b>	

*And (2)* The accountant is hereby authorized to transfer such funds immediately

On roll call vote:

Trustee Stephanie Hawkins voted: YES

Trustee Bruce Campbell voted: YES

Trustee Charles Hustis voted: YES

Trustee Matt Francisco voted: YES

Mayor J. Ralph Falloon voted: YES

Resolution officially adopted on: January 14, 2014 by a vote of 5-0.

### **MULTI-MODAL PROJECT**

The Village was awarded \$25,000 from the NYSDOT under the Multimodal Capital Project program for replacement of drainage pipes and catch basins on Route 9D. Bart Clark of Oakwood Engineering has prepared a preliminary design and estimates that the proposed project will cost approximately \$35,000. Some of this overage is related to more expensive materials which were required by the DOT. As the village is responsible for any overages, NYSDOT was contacted and they confirmed that CHIPS funding could be utilized to cover the additional \$10,000. At this time, the Village has \$13,000

available. Trustee Hawkins moved to approve of the multi-modal project and seconded by Trustee Hustis and unanimously approved.

#### **WATER AND WASTEWATER REPORT**

In an effort to raise public awareness and provide useful information to residents, Greg Phillips developed additional documents for the water/ sewer pages on the Village website. Mr. Phillips was asked to inform residents about the availability of this new information via an email blast and was thanked for his work.

As part of periodic maintenance, eight large trees have been removed from the base of the Lower Reservoir Dam on Foundry Pond Road. The proposed design for the new connection to the Catskill Aqueduct is still under review by the NYSDEC.

Due to the frigid temperatures and the snowstorm in the first weeks of the New Year, water readings for the fourth quarter will be estimated. This estimate will be based upon an average of the last two years' fourth quarter usage.

#### **CODE ENFORCEMENT**

Mr. Bujarski reviewed the December 2013 report. Putnam County is no longer performing gas installation inspections and this activity has been conducted by the Village Code Enforcement without compensation. Further, it is anticipated that Putnam County will turn over electrical inspections to the local municipalities within the next year. Mr. Bujarski anticipates additional hours to meet these responsibilities. He recommended fee increases (draft schedule **attached**) for the upcoming year to compensate for the additional hours.

#### **POLICE AND JUSTICE COURT**

In a memo to the board, OIC Kane reported on a recent arrest involving two defendants taking checks or cash that were attached to garbage cans. These were intended for the highway department personnel during the holiday season. He encouraged residents to contact the highway department to determine another option. The Justice Court collected \$9,096 during the month of December.

#### **ADDITIONAL MONTHLY REPORTS**

Recreation- Trustee Campbell received a request to hold a wedding ceremony at the waterfront park (not the bandstand) in June. The board had no objection to granting this request.

Planning Board- Trustee Francisco reported that the Planning Board continues to review the environmental assessment form for the Butterfield Redevelopment. It is likely that their review will be completed shortly which then starts the clock for issuing a declaration and to advise the Village Board to take action on the B4A zoning.

Zoning Board of Appeals- The continued public hearing on the application of Susan Peehl and Andrew Hall is scheduled for January 16th.

HDRB- Trustee Hustis reviewed notes provided by the HDRB as follows: the required Certified Local Government (CLG) annual report is being prepared; the board is drafting a CLG/SHPO grant application to seek funding for code and design guideline revisions;

members have determined a work plan for review of the 2010 Larson/Fisher historic district survey.

HDRB member Gretchen Dykstra has resigned effective immediately. The village board will advertise for a HDRB member.

The HDRB asked the board to consider running an ad in the New York Times to reach a wider audience for The Grove RFP. This matter will be addressed at the next board meeting after discussion with Ellen Mageean on the availability of funds.

Putnam County- Trustee Campbell will attend a meeting with Putnam County Executive Mary Ellen Odell to continue discussion on sales tax revenue sharing.

Cold Spring Boat Club- Members of the club would like to meet with the board to discuss a long-term agreement.

### **REPORT OF THE MAYOR AND BOARD OF TRUSTEES**

Trustee Campbell spoke with Brett Chamberlin of the Seastreak who expressed a willingness to attend a board workshop to discuss docking fees. Trustee Campbell asked for board discussion on docking fee schedules at the next meeting.

Trustee Francisco expressed concern about a significant amount of inaccurate information in the press. He feels that the board needs to address a recent article which talks about a member of the village board speaking to the press on confidential matters which were discussed in executive session. He added that this misinformation is detrimental to constituent understanding of the real issues facing the village. Trustee Francisco will make himself available for questions from the public by holding open office hours at Village Hall on Saturday, January 18.

Trustee Hawkins spoke about the great opportunity presented by the NYSERDA grant which will allow completion of the LWRP. The NYS Department of State required revision of our zoning ordinance to reflect the goals of the Comprehensive Plan and the LWRP. This grant will provide funding for the process.

Mayor Falloon spoke about plans for improvements to Mayor's park that will be accomplished in cooperation with the Hudson Fjord Trail project and Haldane School. Mayor announced a shoreline stabilization program being held on Thursday, January 16<sup>th</sup> at the Cold Spring Firehouse.

### **CORRESPONDENCE**

Marco Antonio, 14 Main Street, wrote about a frequent problem with irresponsible dog owners and dog waste.

Nathalie Jonas, 103 Main Street, requested a vendor permit for a catered food truck associated with a wedding ceremony at The Living Room. Trustee Hawkins moved to waive any fees associated with a vendor permit (if a permit is necessary) and seconded by Trustee Francisco and unanimously approved.

Paul Henderson and Beth Sigler asked to discuss proper procedures for obtaining permission to work on the deteriorating stoop, steps, metal railing, curb and lower retaining wall in front of their 14 Stone Street building. A survey of this location shows that the area is owned by the village. He expressed concern about the safety hazards presented. Mayor Falloon pointed out that in the past the village has encouraged property

owners to acquire village property. Mr. Henderson will be provided with information about this process or the method involved in obtaining permission to work on village property.

Michael Armstrong, Special Board Chair responded to a recent article in the PCN& R about the grant to update zoning. He stated that the article misrepresented the board's position and confirmed the board's interest in pursuing zoning changes which are needed to preserve and protect the character of the village. "Provided that the Village can get enough flexibility under its still to come contract for the grant, surely winning \$75,000 to pay for work the Village needs to do anyway is cause for celebration."

### **OLD BUSINESS**

Trustee Hawkins led discussions on the formula business local law. Recent changes to this draft legislation were responsive to feedback from a recent public hearing and include a revised definition for grocery store and the addition of a definition for convenience store. Attorney Replansky advised bringing these changes to the attention of the public, holding another public hearing, circulating to the Village Planning Board and Putnam County Planning.

Trustee Hawkins moved to schedule a public hearing for February 18, 2014 at 7:30 pm on the revised local law dated 1-14-2014 and to refer to the Planning Board and to Putnam County Planning. Motion seconded by Trustee Francisco and unanimously approved.

### **BOAT CLUB NEGOTIATIONS**

The following comments and concerns were put forth in the public discussion on the Cold Spring Boat Club lease:

#### **Comments/concerns from board members**

- Members need to speak among themselves about the kind of lease and the terms
- not prepared for negotiations as they are not sure of board consensus
- concern about committing the village to something that we cannot deliver
- concern about the condition of the site at the completion of the cleanup and any restrictions that will be placed on the property
- huge capital project for the village and requires greater community input into how this site is going to be used by the community
- forty-nine year ground lease means that we don't need this property at least for "my lifetime"
- This site is publicly owned property and is not exclusively used by people from Cold Spring or Philipstown and it has been like that for a long time.
- Village needs public bathrooms and also possible location for control panel for the West Street pump station.
- sees as big deal for village residents and big deal for the boat club but it is village property and doesn't see it as appropriate that we should rush into a lease
- piece of property should be used for boating and boat access and should be available to members who want to engage in that activity

- Sees a need to reflect demographics of the boat club and the community, which has changed, and the need to be responsive to the concerns of people that are asking about this.
- For those who grew up enjoying the boat club, it's important to have an ongoing plan to keep it in place. How village residents can filter into it without becoming members is another discussion.
- Questioned if the village can look for a storage area for contents of the building during the cleanup

#### **Comments/ concerns from boat club**

- members need assurances that the boat club will exist after the cleanup
- membership will construct a building at no cost to the village that will fit in with the village
- their costs would be reduced if the NYSDEC made plans to accommodate construction
- need a lease to go forward with building design and for fund-raising
- reason for constructing the new building is because the village wants to do a cleanup and the club would like to be cooperative with that. Doesn't feel that this should be an opportunity to renegotiate the reason for the basis of the boat club's existence. It should be an opportunity to negotiate a good deal for the village and for the boat club in terms of how to move forward in a way that is good for both parties.
- Tried to seek out what village would like from the club and to the extent that they can, the boat club will accommodate
- time is of the essence and asked to work out a schedule for negotiation
- Needs something in writing on how this is going to proceed.
- Sees as a continuation of a relationship that has been here for nearly sixty years
- boat club is considering the same building footprint. They were advised by the NYSDEC that when you alter or change the site of the building, you are subject to soil testing as you dig.
- Unsure of storage requirements as they need additional information from the engineer who designs the cleanup
- Asks that the village make a request to the DEC for coordination with the boat club to minimize the interruption of boat club operations as much as possible

Attorney Liguori pointed out that it may be possible to use part of the property during the cleanup. The current lease can be interpreted in different ways. Condemnation is probably the day that condemnation is complete, as opposed to the day a letter goes to the DEC. The board could consider "pressing the pause button" on the lease while the cleanup is going on, as there is ten more years remaining on the lease. An equitable position for all parties to take is to add time onto the back of the lease for the period that the property is not available for use. In response to Trustee Francisco's concern about the condition of the property at the end of the cleanup, could condition that to the extent that we can reconstruct, the village will let you do so. If after time to secure commitments etc, the boat club can't make things happen,

then the board will agree to terminate. If the boat club can make construction happen, then the board could agree to negotiate in good faith.

**Additional public input:**

Resident Greg Phillips wants the contamination cleaned up properly. He asked why a letter can't go out to the NYSDEC tomorrow stating that the building needs to come down, not about what has to go back. G. Phillips was assured by the mayor that a letter would go out to the NYSDEC by the 1/31/2014 deadline.

After discussion, mayor asked the board if they agreed to the following:

1. Asking the DEC to prepare the substrate for the new building, at the NYS Department of Environmental Conservation's expense
2. Craft a letter indicating that the condemnation of the building does not void the lease

Several members voiced their support; no objections were put forth.

The board scheduled a meeting on 1/21/2014 for the purpose of discussion between members of the board on the boat club lease. Discussion will occur in open session.

**NEW BUSINESS**

**Tree Advisory Committee**

Trustee Hawkins moved to **amend Resolution #43-2013** (which created a tree advisory committee) to increase the number on the committee from seven to ten members; motion seconded by Trustee Francisco.

On roll call vote:

Trustee Stephanie Hawkins voted:	YES
Trustee Bruce Campbell voted:	YES
Trustee Charles Hustis voted:	YES
Trustee Matt Francisco voted:	YES
Mayor J. Ralph Falloon voted:	YES

Resolution officially adopted on: January 14, 2014 by a vote of 5-0.

Trustee Hawkins moved to appoint all individuals to the tree advisory committee on the **attached** list. Motion seconded by Trustee Francisco and unanimously approved.

**RESOLUTION # 02-2014**

WHEREAS, the Village of Cold Spring Board of Trustees wishes to provide an opportunity for all qualified residents to vote at the March 18, 2014 Village Election, and

WHEREAS, the Village Board of Trustees by New York State Election Law Chapter 15, Section 104(3) sets the location of the Village Election and determines the hours that the polls are open; and

NOW THEREFORE BE IT RESOLVED that, the annual Village of Cold Spring Election will be held on Tuesday, March 18, 2014 at the Cold Spring Firehouse, 154 Main Street, Cold Spring, NY and sets the hours that the polls are open at 6 am to 9 pm.

Trustee Charles Hustis, III moved the foregoing resolution which was seconded by Trustee Francisco.

On roll call vote:

Trustee Bruce Campbell voting	YES
Trustee Charles Hustis, III voting	YES
Trustee Stephanie Hawkins voting	YES
Trustee Matt Francisco voting	YES
Mayor J. Ralph Falloon voting	YES

Resolution officially adopted on January 14, 2014 by a vote of 5-0.

Trustee Francisco moved to approve the monthly maintenance contract with Managed Technologies to provide IT support for the upcoming year beginning on February 1, 2014 and seconded by Trustee Hustis and unanimously approved.

Trustee Campbell moved to approve of the request from the Clearwater to dock on the following dates: 4/25-4/30; 5/26-6/04; 6/19-6/20 (no revenue will be made from this docking request); motion seconded by Trustee Francisco and unanimously approved.

Trustee Hawkins asked the board to consider sending a letter supporting an application by the Hudson River Estuary Program for funding a shorelines demonstration project at the Dockside property.

There were no objections to this request.

### **Fireman's Service Award**

The 2013 Service Award Program Firefighter records were submitted for board review. Trustee Hawkins moved to approve the 2013 volunteer firefighter 2013 Service Award points listing and seconded by Trustee Hustis. Trustees Francisco, Campbell, Hustis and Hawkins voted in favor. Mayor Falloon abstained from the vote as his name and his father's names appear on this list.

### **BILL APPROVAL**

Trustee Campbell moved to approve payment of the audited bills and seconded by Trustee Hustis and unanimously approved.

The board agreed to remove building department consolidation from discussion in executive session. This item was originally scheduled for executive session because of personnel matters. Also removed from discussion in executive session was conduct of executive session.



**PUBLIC COMMENT**

Susan Peehl and Andrew Hall read the **attached** comments calling for clear enforceable codes and filing procedures, which need to be strictly enforced and followed.

Reverend Greco asked if recent calls to Chuck Voss of Barton & Lojudice from a Trustee were made on behalf of the board.

Trustee Hustis moved to enter into executive session to discuss Peehl/ Hall litigation, police contract updates and proposed litigation for collection unpaid water bills. Motion seconded by Trustee Campbell and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk